

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

Roderick Smith,

Civil No. 06-1775 PAM/AJB

Petitioner,

v.

ORDER

R.L. Morrison,

Respondent.

Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated May 30, 2006, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that petitioner Roderick Smith's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 is **granted in part and denied in part**. [Docket No. 1]. The petition is granted to the extent Mr. Smith requests a halfway house eligibility determination without regard to 28 C.F.R. §§ 570.20 and 570.21. The petition is denied to the extent petitioner seeks immediate determination of his halfway house eligibility date. The BOP shall conduct its review 11 to 13 months before the inmate's projected release date, pursuant to policy set forth in Program Statement 7310.04, page 7, Community Corrections Center (CCC) Utilization and Transfer Procedures.

Dated: June 20, 2006

s/ Paul A. Magnuson
Paul A. Magnuson
Senior United States District Court Judge